

Central Coast Regional Water Quality Control Board

December 13, 2013

Mr. John Metzer
metzer@metzerfarms.com

sent via electronic mail only

Ex. 6 Personal Privacy (PP)

Dear Mr. Metzer:

**NOTICE OF INCOMPLETE APPLICATION, REQUEST FOR TIME SCHEDULE TO UPGRADE
FACILITY, METZER FARMS, Ex. 6 Personal Privacy (PP) MONTEREY COUNTY**

The Central Coast Regional Water Quality Control Board (Water Board) received Conestoga-Rover's (CR) Notice of Incomplete Application Response (Response) dated October 14, 2013, received on October 16, 2013. Thank you for your Response. Water Board staff disagrees with CR's conclusion that facility operations will not discharge wastes to surface waters. Water Board staff's position is that a National Pollutant Discharge Elimination System (NPDES) permit is needed, based on the information in CR's Response. Therefore, Water Board staff cannot deem your application complete at this time. Water Board staff is willing to meet with you and CR in mid-January 2014 to discuss this disagreement. Also, CR stated that you plan to change your facility configuration and operations to limit the discharge to surface waters and Water Board staff requests that you provide your proposed project schedule when we meet.

Background

CR submitted a Report of Waste Discharge (ROWD) dated May 10, 2013, and an Addendum to ROWD dated June 12, 2013, to the Water Board for review and response. Water Board staff concluded that Metzer Farms is a concentrated animal feeding operations facility (CAFO) because of the number of animals on the property and its use of a liquid manure wastewater system. As detailed in our August 2013 letter, all CAFOs must seek coverage under a NPDES permit unless they make an affirmative demonstration of "no potential to discharge." Water Board staff subsequently asked for additional information, including submittal of completed NPDES forms and a nutrient management plan. Water Board staff would like to meet with you in mid-January 2014 to discuss Form 3510-1, Section II Pollutant Characteristics, questions B, C, and D. On the form, CR selected the box stating that there is "no" discharge of waste to waters of the U.S. from the facility.

As part of the Response, Water Board staff believes CR submitted contradictory information. CR included an estimate that the feedlot produces 576 tons of manure annually, of which 19 tons of nitrogen is produced monthly. CR also estimated the facility has 240 acre-inches of annual stormwater runoff from the feedlot and contributing area. CR also evaluated the existing filter strip material in the vegetated treatment area (VTA) and its ability to take up nutrients. CR calculated that the VTA would need to be expanded to 1.33 acres using the existing vegetation to be adequate, and their recommendation is to select a new material and replace the existing

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VTa. Based on the calculations provided, Water Board staff concludes that the existing VTA is inadequate to prevent wastes in stormwater runoff from reaching the nearby creek. Because the facility is discharging wastes via stormwater runoff to the creek, an NPDES permit is needed.

CR is evaluating which type of VTA material would be better to remove wastes in stormwater runoff and not get an NPDES permit. Water Board staff suggest CR evaluate if a physical barrier is better option overall. CR could consider building a concrete wall or berm of sufficient height for water retention and not replacing the existing the VTA. Because you are considering a redesign of the facility and changing system operations, such as lining a retention basin or pond, Water Board staff request a copy of your construction schedule. If the facility upgrade will be completed within the upcoming year, it does not make sense for Water Board staff to prepare a NPDES permit in the next six months. Instead, Water Board staff would spent time preparing requirements for waste discharges to land.

Until a determination is made whether or not an NPDES permit will be needed, Water Board staff will proceed with contracting permit preparation with the USEPA subcontractor who assists our permitting staff.

We look forward to meeting with you and CR in mid-January 2014 to resolve these issues. Please contact Sheila Soderberg at (805) 549-3592 or (Sheila.Soderberg@waterboards.ca.gov) to schedule a time to meet so we can resolve these issues.

Sincerely,



Digitally signed by Kenneth A Harris Jr.
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o=Central Coast Regional Water
Quality Control Board,
ou=Executive Officer,
email=Ken.Harris@waterboards.ca.
gov, c=US
Date: 2013.12.13 10:33:34 -08'00'

Kenneth A. Harris Jr.
Executive Officer

cc:

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